

427.100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: :  
Marie-Odile Galcera Contour, et al. :  
Serial No.: 10/562,949 :  
Filed: February 10, 2006 : Group: 1614  
For: BENZOTHIAZOLE.. PROCESSES :  
Hedman and Costigan  
1185 Avenue of the Americas  
New York, NY 10036  
March 30, 2006

**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

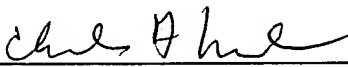
Sir:

Responsive to the Notice of insufficient fees received in the above application indicating that an additional \$30 filing fee is needed, Applicants request reconsideration of the application since it is believed that the correct filing fee of \$1,400 was submitted with the application fee.

The filing fee as can be seen from the copy of PTO Form 1390 submitted herewith which was filed with the application shows that the correct filing fee of \$1,400 was filed and no additional \$30 fee or \$130 for not filing the correct fee is required. Therefore, Applicants request withdrawal of the request or an additional \$30 fee be

withdrawn or that the Patent Office explain why an additional fee is needed.

Respectfully submitted,  
Hedman and Costigan

A handwritten signature in cursive script, appearing to read "Charles A. Muserlian", is written over a horizontal line.

Charles A. Muserlian #19,683  
Attorney for Applicants  
Tel. 212 302 8989

CAM:mlp  
Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

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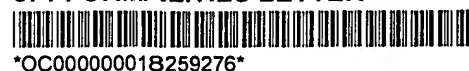
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/562,949	Marie-Odile Galcera Contour	427.100

47888  
 HEDMAN & COSTIGAN P.C.  
 1185 AVENUE OF THE AMERICAS  
 NEW YORK, NY 10036

RECEIVED  
 MAR 24 2006  
 CHARLES A. MUSERLIAN

INTERNATIONAL APPLICATION NO.	
PCT/FR04/01578	
I.A. FILING DATE	PRIORITY DATE
06/24/2004	06/25/2003

CONFIRMATION NO. 8712  
 371 FORMALITIES LETTER



\*OC000000018259276\*

Date Mailed: 03/15/2006

### Notification of Insufficient Fees (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/22/2005
- Copy of the International Search Report filed on 12/22/2005
- Preliminary Amendments filed on 12/22/2005
- Information Disclosure Statements filed on 01/17/2006
- Oath or Declaration filed on 02/10/2006
- U.S. Basic National Fees filed on 12/22/2005
- Priority Documents filed on 12/22/2005
- Specification filed on 12/22/2005
- Claims filed on 12/22/2005
- Abstracts filed on 12/22/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 was not received in full.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$30** for a Large Entity:

- **\$130** Surcharge.

May 15, 06  
 (2+1) June 15  
 (2+2) July 15  
 (2+3) Aug 15  
 (2+4) Sep 15, 06

(A previous payment of \$100 will be applied to the additional fees indicated above.)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE**

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DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,949	PCT/FR04/01578	427.100

FORM PCT/DO/EO/923 (371 Formalities Notice)

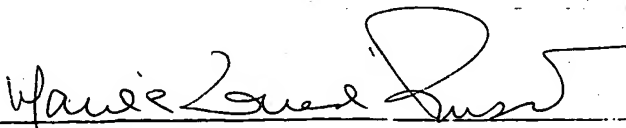
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I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Marie-Louise Pinset

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 427.100
		<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b>
<b>INTERNATIONAL APPLICATION NO.</b> PCT/FR2004/001578	<b>INTERNATIONAL FILING DATE</b> June 24, 2004	<b>PRIORITY DATE CLAIMED</b> June 25, 2003
<b>TITLE OF INVENTION</b> BENZOTHIADIAZOLE-4, 7-DIONES AND BENZOXAZOLE-4, 7-DIONES WITH SUBSTITUENTS...THEREOF		
<b>APPLICANT(S) FOR DO/EO/US</b> Marie-Odile Galcera Contour; Olivier Lavergne		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"><li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li><li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li><li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li><li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none"><li>a. <input checked="" type="checkbox"/> is attached hereto.</li><li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li></ol></li><li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li><li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li><li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li></ol> <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"><li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li><li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li><li>15. <input type="checkbox"/> A substitute specification.</li><li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li><li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li><li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li><li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li></ol>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. <b>PCT/FR2004/001578</b>	ATTORNEY'S DOCKET NUMBER <b>427.100</b>		
20. Other items or information: <b>Copy of the international patent application as published; unexecuted Declaration/Power of Attorney Certificate of Express Mail PTO-2038, Return receipt postcard</b>				
The following fees have been submitted		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">CALCULATIONS</th> <th style="width: 50%;">PTO USE ONLY</th> </tr> </table>	CALCULATIONS	PTO USE ONLY
CALCULATIONS	PTO USE ONLY			
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300	\$ 300			
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))	\$			
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0	200			
All other situations..... \$200				
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))	\$			
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0				
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100				
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400	500			
All other situations..... \$500				
<b>TOTAL OF 21, 22 and 23 =</b>	<b>1000</b>			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		
- 100 =	/50 =	x \$250		
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA		
Total claims	- 20 =	x \$ 50		
Independent claims	5 - 3 =	2 x \$200		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360		
<b>TOTAL OF ABOVE CALCULATIONS =</b>		<b>\$ 1400</b>		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				
<b>SUBTOTAL =</b>		<b>\$ 1400</b>		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$		
<b>TOTAL NATIONAL FEE =</b>		<b>\$ 1400</b>		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$		
<b>TOTAL FEES ENCLOSED =</b>		<b>\$ 1400</b>		
Amount to be refunded:		\$		
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- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number 47888  
Hedman and Costigan  
1185 Avenue of the Americas  
New York, NY 10036  
Tel. 212 302 8989

  
SIGNATURE

Charles A. Muserlian  
NAME

19,683  
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